

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK A. RANKINE,
Plaintiff
v.
SUPER. SOBINA, et al.,
Defendants.

**C.A. No. 03-313 ERIE
District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

Plaintiff has filed a motion for an indefinite continuance. Document # 55. Among other things, Plaintiff claims that, during a telephone hearing on December 20, 2004, he informed the undersigned that Defendants would murder him if his request for a restraining order was denied, yet the undersigned recommended denial of the restraining order request. Plaintiff asserts that, by denying his request for a restraining order, the undersigned condoned Defendants' alleged actions and "could not stop prison officials from murdering this Plaintiff." Id.

This Court has reviewed the transcript of the telephone hearing of December 20, 2004, and finds that the undersigned recommended denial of Plaintiff's restraining order request based solely upon an assessment of the credibility of the witnesses who offered testimony during the hearing.

AND NOW, this 8th day of July, 2005;

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for an indefinite continuance [Document # 55] is DENIED.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF U.S. MAGISTRATE JUDGE